1   ELIZABETH M. PIPKIN (243611)   MARC A. WALLENSTEIN (*pro hac vice*)
2   ANN M. RAVEL (62139)   GEORGE A. ZELCS (*pro hac vice*)
    McMANIS FAULKNER   RYAN Z. CORTAZAR (*pro hac vice*)
3   50 West San Fernando Street, 10th Floor   CHAD E. BELL (*pro hac vice*)
    San Jose, CA 95113   PAMELA I. YAACOUB (*pro hac vice*)
4   Telephone: (408) 279-8700   KOREIN TILLERY LLC
    Facsimile: (408) 279-3244   205 North Michigan Avenue, Suite 1950
5   epipkin@mcmanislaw.com   Chicago, IL 60601
    aravel@mcmanislaw.com   Telephone: (312) 641-9750
6   Facsimile: (312) 641-9751
7   GLEN E. SUMMERS (176402)
    KARMA M. GIULIANELLI (184175)   CAROL L. O'KEEFE (*pro hac vice*)
8   LINDLEY J. BRENZA (*pro hac vice*)   MICHAEL E. KLENOV (277028)
    JONATHAN JACOB MARSH (*pro hac vice*)   KOREIN TILLERY LLC
9   BARTLIT BECK LLP   505 North Seventh Street, Suite 3600
    1801 Wewatta Street, Suite 1200   St. Louis, MO 63101
10 Denver, CO 80202   Telephone: (314) 241-4844
    Telephone: (303) 592-3100   Facsimile: (314) 241-3525
11
12 *Attorneys for Plaintiffs*
13
14   **UNITED STATE DISTRICT COURT**
                  NORTHERN DISTRICT OF CALIFORNIA
15   **SAN JOSE DIVISION**
16
    JOSEPH TAYLOR, EDWARD MLAKAR,   Case No. 5:20-CV-07956-VKD
17 MICK CLEARY, EUGENE ALVIS, and
    JENNIFER NELSON, individually and on   **DECLARATION OF CHRIS THOMPSON**
18 behalf of all others similarly situated, **IN SUPPORT OF PLAINTIFFS'**
                                              OPPOSITION TO GOOGLE LLC'S
19   Plaintiffs,   **MOTION TO EXCLUDE TECHNICAL**
                                              ANALYSES
20   v.
                                              Judge: Hon. Virginia K. DeMarchi
21 GOOGLE LLC,
22   Defendant
23
24
25
26
27
28

DECLARATION OF CHRIS THOMPSON IN SUPPORT OF PLAINTIFFS' OPP TO MOTION
TO EXCLUDE TECHNICAL ANALYSES (Case No. 5:20-CV-07956-VKD)

I, Chris Thompson, declare as follows:

1.   I am a Partner at 233 Analytics, LLC. I provide litigation consulting services regarding computer engineering and software development. My professional focus is analyzing and explaining the operation of computer source code. I also regularly provide software development and project management services to clients in a number of industries, including development of mobile applications, backend services, data processing, web-based platforms, and ERP-type systems. I make this declaration in support of Plaintiffs' Opposition to Google LLC's Motion to Exclude Technical Analyses. I have personal knowledge of the facts stated in this declaration and, if called as a witness, I could and would competently testify thereto.

2.   I have served as a consulting expert in 114 litigation matters and testified in eight of them. To my knowledge, no court has ever granted a motion to exclude my expert testimony.

3.   I have extensive experience analyzing source code, network usage and network resources, and the other matters contained in my expert reports. For example, for the past 15 years, some of the largest and most technologically advanced companies have relied my analysis to inform key business decisions, including Apple, C3.ai, Uber, Intel, IBM, T-Mobile, Hewlett Packard, The Walt Disney Company, and many others. I have spent many thousands of hours for these and other clients analyzing network protocols, cellular communication technology (including 3GPP standards and implementation), and source code at all layers of the network and application stack. Measuring network usage is a core part of the analysis I regularly perform for these clients, and many others. My analysis of network usage helps my clients to evaluate the effects of their business decisions, because network resource consumption and network usage are often the only way to qualitatively measure the impact of software changes. I also have experience calculating network overhead, and have built numerous network-connected applications. In addition, I have published research on measuring network consumption, among other resources, in Android devices specifically.

4.   Attached hereto as **Exhibit 1** is my Curriculum Vitae listing my relevant experience in more detail.

DECLARATION OF CHRIS THOMPSON IN SUPPORT OF PLAINTIFFS' OPP TO MOTION TO EXCLUDE TECHNICAL ANALYSES (Case No. 5:20-CV-07956-VKD)

1   5.   I provided updated network usage calculations to Plaintiffs' counsel on December

2 22, 2024, which I understand were served to Google and provided to Dr. Stec.

3   6.   After I provided my updated analysis, Dr. Stec requested, through Plaintiffs'

4 counsel, for me to provide the results of my analysis in different files and formats. I reformatted

5 the data and provided these files to save Dr. Stec's staff time and to better enable his analysis and

6 damages calculation. I also corrected a typo that resulted in a missing column in one of the files I

7 originally provided. The new data format did not change any of the substance of my analysis or,

8 other than the correction of the typo resulting in a missing column, the data. It derived from the

9 same scripts. Neither my methodology nor my end results changed.

10   7.   I have reviewed the data that Dr. Stec produced as part of his updated analysis. It

11 is the data I provided and explained above.

12   8.   I have reviewed Google's source code, including for CheckIn, and compared the

13 CheckIn source code to the Android.Info dataset that Google produced in this litigation. The many

14 values in the Android.Info dataset align with the values set by the CheckIn source code. The

15 seenDates field in Android.Info is also consistent with Google's practice of using CheckIn and the

16 databases it populates to track which devices are active on which dates. It is my opinion that the

17 "attributes.seenDate" field reflects the date that a device sends a CheckIn Transfer to Google's

18 server over a network. This is consistent with how Google treats all logs and records that I have

19 reviewed in this litigation: Google generates a log or record at the time that an event occurs, and

20 it marks the log or record with the date and time of the event that generated it.

21   I declare under penalty of perjury, under the laws of the State of California, that the

22 foregoing is true and correct.

23

24

25   Dated: May 7, 2025   _____

Chris Thompson

26

27

28

3

DECLARATION OF CHRIS THOMPSON IN SUPPORT OF PLAINTIFFS' OPP TO MOTION
TO EXCLUDE TECHNICAL ANALYSES (Case No. 5:20-CV-07956-VKD)